

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

True Return Systems LLC,	:	
	:	
Plaintiff,	:	
v.	:	Case No. 1:22-cv-08478-VSB
MakerDao,	:	
	:	
Defendant.	:	

**DECLARATION OF DUSTIN F. GUZIOR IN SUPPORT OF CRYPTO COUNCIL FOR
INNOVATION’S MOTION FOR LEAVE TO PARTICIPATE AS *AMICUS CURIAE***

I, Dustin F. Guzior, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am an attorney licensed to practice law in the State of New York and before this Court. I am a partner in the law firm of Sullivan & Cromwell LLP, and counsel for proposed *amicus curiae* Crypto Council for Innovation (“CCI”). I respectfully submit this Declaration in support of CCI’s Motion for Leave to Participate as *Amicus Curiae*.

2. Attached hereto as **Exhibit A** is a true and correct copy of a webpage at the following uniform resource locator (“url”), last visited on February 16, 2023: <https://opensea.io/assets/ethereum/0x495f947276749ce646f68ac8c248420045cb7b5e/28225982364144408751260915955843311384984513832112859833939273603937546010625> [https://perma.cc/BG8E-D462].

3. Attached hereto as **Exhibit B** is a true and correct image of a graph showing the publically reported exchange rate for wrapped Ethereum (WETH) to U.S. dollars (USD), which was available at the following uniform resource locator (“url”), last visited on February 20, 2023: <https://www.coingecko.com/en/coins/weth/usd>. This graph has minor annotations to identify the USD value associated with 1 unit of WETH.

4. Attached hereto as **Exhibit C** is a true and correct copy of a webpage at the following uniform resource locator (“url”), last visited on February 16, 2023: <https://www.businesswire.com/news/home/20210514005505/en/First-Patent-Being-Auctioned-as-an-NFT-Solves-for-Needed-Blockchain-Capabilities-and-a-Lower-Carbon-Footprint> [https://perma.cc/U9D6-DK5N].

5. Attached hereto as **Exhibit D** is a true and correct copy of a webpage at the following uniform resource locator (“url”), last visited on February 16, 2023: <https://news.bloomberglaw.com/ip-law/the-trendy-hot-nft-market-has-a-new-entrant-patents> [https://perma.cc/BRN4-5BY4].

6. Attached hereto as **Exhibit E** is a true and correct copy of a webpage at the following uniform resource locator (“url”), last visited on February 16, 2023: <https://bitcoinist.com/let-the-bidding-begin-the-first-nft-patent/> [https://perma.cc/Z9YD-BSSF].

7. Attached hereto as **Exhibit F** is a true and correct copy of a webpage at the following uniform resource locator (“url”), last visited on February 16, 2023: <https://opensea.io/assets/ethereum/0x495f947276749ce646f68ac8c248420045cb7b5e/28225982364144408751260915955843311384984513832112859833939273605037057638401> [https://perma.cc/GH6J-YC9S].

8. Attached hereto as **Exhibit G** is a true and correct copy of the Patent Trial and Appeal Board's decision in *Ex Parte Praveen Jayachandran*, Appeal No. 2019-007020, App. No. 15/294,272 (P.T.A.B., May 13, 2020).

9. Attached hereto as **Exhibit H** is a true and correct copy of the Patent Trial and Appeal Board's decision in *Ex Parte Steven Charles Davis*, Appeal No. 2019-002664, App. No. 14/718,930 (P.T.A.B., Sept. 1, 2020).

10. Attached hereto as **Exhibit I** is a true and correct copy of the following publicly available reference: Jacob Eberhardt & Stefan Tai, *On or Off the Blockchain? Insights on Off-Chaining Computation and Data*, 6TH EUR. CONF. ON SERVICE-ORIENTED AND CLOUD COMPUT. (ESOCC) 3–15, HAL ID: hal-01677610. The reference was published in 2017 as the Keynote paper through the 6th European Conference on Service-Oriented and Cloud Computing (ESOCC). SPRINGERLINK, *Service-Oriented and Cloud Computer: Table of Contents* (Sept. 2017), <https://link.springer.com/book/10.1007/978-3-319-67262-5#toc>.

Executed on this 20th day of February 2023 at New York, New York.

Respectfully submitted,

/s/ Dustin F. Guzior

Dustin F. Guzior